

BILL NO. Z-87-01-22

ZONING MAP ORDINANCE NO. Z-23-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

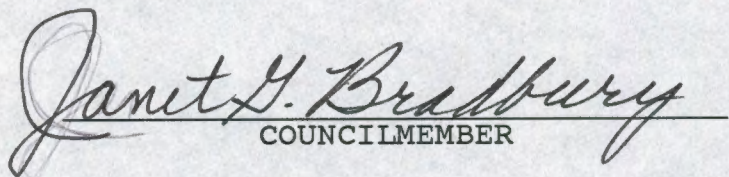
SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lot forty-eight (48) in East Wood Addition to the City
of Fort Wayne, Allen County, Indiana, except the North
ten (10) feet dedicated for street purposes,

Lot forty-seven (47) in East Wood Addition to the City
of Fort Wayne, Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map
No. R-3, as established by Section 11 of Chapter 33 of the
Code of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Eisbart, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.

DATE: 1-27-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Eisbart, and duly adopted, placed on i
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-8-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (~~APPROPRIATION~~) (~~GENERAL~~)

(SPECIAL) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. 3-23-87
on the 8th day of September, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 9th day of September, 1987
at the hour of 11:00 o'clock 4.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of September
1987, at the hour of 9:00 o'clock 4.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 1159

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

DOLLARS

100

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Mildred Louise Sitcler, Owner Lot #48 & Mrs. John Bercot, Owner Lot #47
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an B1B District to a/an B3B
District the property described as follows:

Lot Forty-eight (48) in East Woods to the City of Fort Wayne in Allen County,
Indiana. Except the North ten (10) feet dedicated for street purposes.

Lot Forty-seven (47) in East Woods to the City of Fort Wayne in Allen County,
Indiana.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

Lot 48 - 3732 New Haven Avenue

Lot 47 - 3730 New Haven Avenue

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

Mildred Louise Sitcler

Mrs. John Bercot

(Name)

2502 New Haven Ave

6015 Haugenard Rd.

(Address)

Mildred L. Sitcler

Mrs John Bercot

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

James W. Winzeler

(Name)

1140 Powers Street
New Haven, Indiana 46774

(Address & Zip Code)

493-2200

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 27, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-01-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 26, 1987.

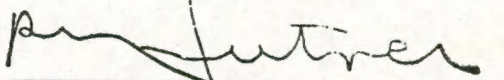
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 2, 1987

Certified and signed this
18th day of August 1987.


Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

01

3-87-~~11~~22

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 3730 & 3732 New Haven Avenue

EFFECT OF PASSAGE _____ Property is presently zoned B-1-B - Limited Business District.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE _____ Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From B-1-B to B-3-B

DETAILS

Specific Location and/or Address

3730 and 3732 New Haven Avenue

Reason for Project

Auto Repair

Discussion (Including relationship to other Council actions)

26 January 1987 - Public Hearing

See Attached for Minutes of Meeting

2 February 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation subject to the following conditions:

A 6 foot high landscape buffer be planted along the south property line. Said landscape buffer should be approved by the CD&P landscape architect, and that the private restrictive covenant entered into between the petitioner and the neighborhood association must be approved as to form and legality by the Commission's staff.

Motion carried.

NOTE: The covenant has been approved and recorded.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Mildred Sitcler/
Mrs. John Bercot
City Department

Other

Opponents

Groups or Individuals

Betty Stotler w/Harvester
Community Association

Basis of Opposition

- body shop would cause eyesore in area
- would generate noise & other forms of pollution

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 12 December 1986

Projected Completion or Occupancy

Date 18 August 1987

Fact Sheet Prepared by
Patricia Biancaniello

Date 18 August 1987

Reviewed by

Date

Gary Burt
Reference or Case Number

August 24, 1987

James Winzeler, appeared as an agent for the property owners and the prospective purchaser. Mr. Winzeler stated that they were asking for the rezoning in order to construct an automotive repair garage. He stated that they felt it would be a credit to the area. He stated that they would be removing the present structure, which is an eyesore, and constructing a new 40' x 60' structure. He stated that they are willing to do what the Commission requires them to do in order to rezone and construct on this property.

Edith Kenna felt that the request for a B-3-B zoning just across the alley from all R-1 zoning seemed odd. Mrs. Kenna questioned where their street access was presently.

Mr. Winzeler stated that it is on New Haven and they are proposing to have the entrance and exit on Redwood. He stated that they would close off the two accesses on New Haven Avenue.

Edith Kenna questioned why there was no routing information on the staff analysis with regard to engineering comments.

Wayne O'Brien explained that a change of zone does not require any type of development plan or commercial routing because it is not a planned designation.

Edith Kenna asked then who would decide the access cuts on the property.

Mr. O'Brien stated it would Traffic Engineering.

Herman Friedrich questioned if they had discussed this with the Neighborhood Association.

Mr. Winzeler stated not the Association, but they have discussed it with several businesses in the area and they would welcome them.

Jack O'Neal, 5740 Northcrest Drive appeared before the Commission. Mr. O'Neal stated that he had been a customer of Raymond's for approximately 6 or 7 years and he has found him to be very professional, very neat and orderly in the way he runs his shop, very responsible and deals with total integrity. He stated that he would welcome him in their neighborhood.

Janet Bradbury questioned if Mr. O'Neal was a business neighbor and not a residential neighbor.

Mr. O'Neal stated that he was a business neighbor one block to the east across the street from the proposed business.

Janet Bradbury questioned if he were a residential neighbor if he could honestly say he would like to have this auto garage as a neighbor.

Mr. O'Neal stated absolutely. He stated the proposed owners are a fine family, fine people. He stated the property now is an abandoned, dilapidated eyesore.

Steve Smith stated that he would like the record to show that they had received a petition in opposition with about 30 signatures of homeowners in the area.

Betty Stotler, representing the Harvester Community Association appeared before the Commission. Ms. Stotler stated that the petitioner is correct in saying that the property is in ruin. She stated that several of the neighbors do object to a body shop. She stated that they are concerned about the noise, traffic, paint fumes, if work will be done inside, what kind of storage will be provided, how many cars will be stored outside. She stated they are concerned that a body shop will become another eyesore. She stated that they already have 4 body shops on New Haven Avenue. She stated that she would like the answers to their concerns in writing so that they can present them to the people who were unable to attend.

Robert Hutner stated that he felt the area had some legitimate concerns. He questioned if the Association had met with the petitioner. He questioned if she did not feel that this would be a good idea for them to meet and get the answers to their questions.

Mrs. Stotler stated yes.

Steve Smith stated that Mr. Hutner made a good point and suggested that between now and the business meeting if the petitioner and the Association representative(s) meet to see if they can work out some of these concerns. He stated they would ask at the business meeting what they had discussed and if they were able to work out their concerns.

Mrs. Stotler stated of the 50 names on the petition she submitted 4 of those people were in favor of the body shop.

Edith Kenna stated that she felt the staff recommendation was a bit odd in light of all the other B-3-B uses that could be allowed on the property if rezoned. She stated that this looks more like a possible Use Variance than a rezoning.

In rebuttal Mr. Winzeler stated that he felt the area residents

Minutes
26 January 1987

would be pleasantly surprised if they would see the operation that the petitioner operates. He stated right now the petitioner operates in a residential area under the "grandfather clause". He stated that it is a very orderly, clean business and he has no problems with his neighbors. He stated that the only problem is that the building is small and he cannot expand. He stated that there will no painting done on the property. He stated that the repair of vehicles is done inside the building. He stated there will be no unsightly parts left outside.

Jess Yoder questioned where the petitioner is presently located.

Mr. Winzeler stated 4804 Wayne Trace Avenue.

Jess Yoder questioned if Mr. Winzeler had seen the comments from staff relating to a 6 foot high landscape buffer.

Mr. Winzeler stated that they have and they would be happy to put that landscape buffer in.

Herman Friedrich stated that he felt the petitioner or agent should go to the Association and talk to them about their proposed plans.

Mr. Winzeler stated he would be happy to talk with the association. Mr. Winzeler showed the Commission a schematic drawing of their plans for the property.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

ADJOURNMENT:

BILL NO. Z-87-10-22

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. R-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 9-887

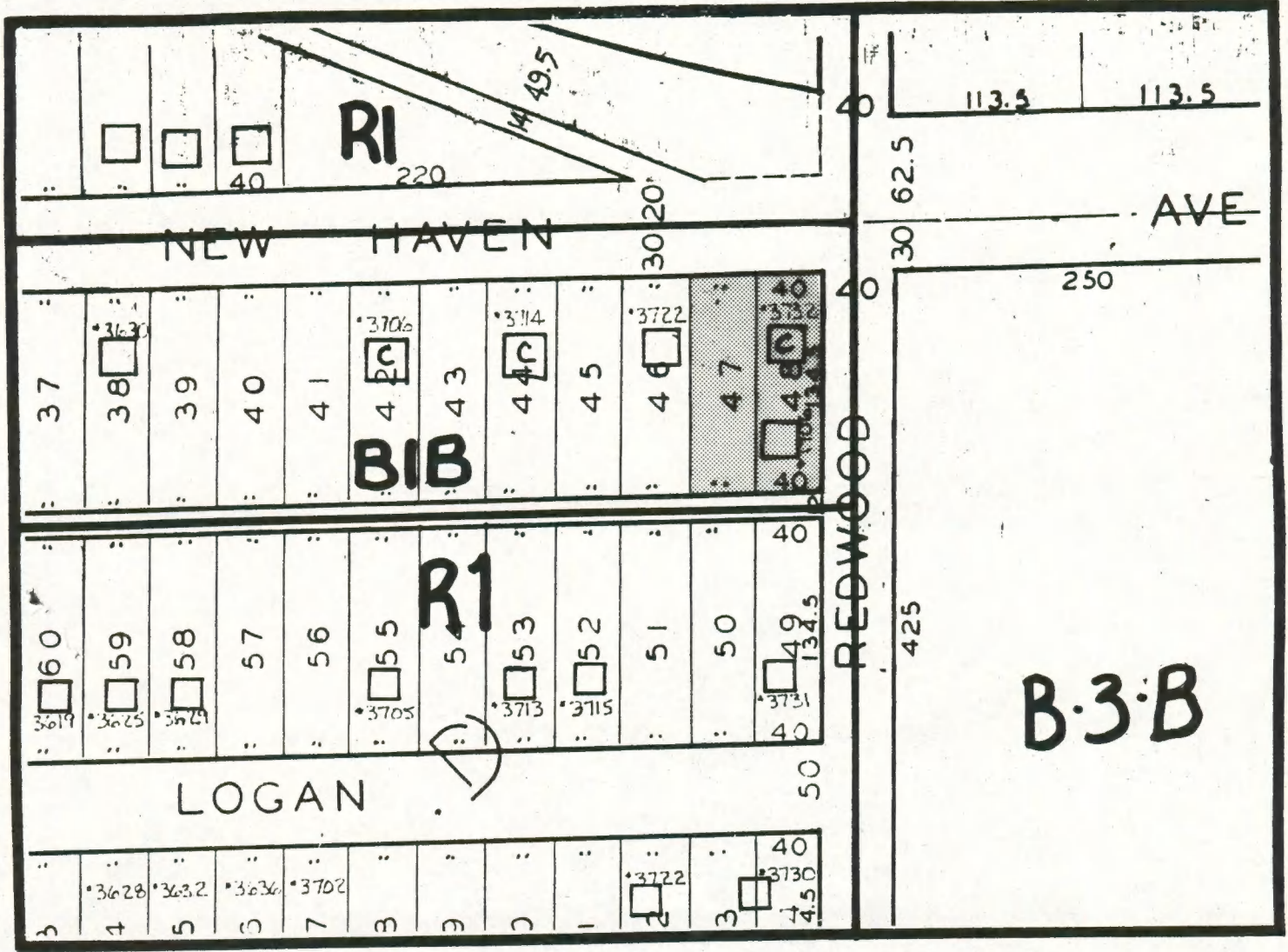
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #243

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1-B TO A B-3-B DISTRICT.

MAP NO. R-3

COUNCILMANIC DISTRICT NO. 1



ZONING:

BIB LIMITED BUSINESS
 B3B GENERAL BUSINESS 'B'
 RI RESIDENTIAL DISTRICT

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1" = 100'

DATE: 1-13-87

